

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on March 26, 2003 at 3:25 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 449 (3/24/03); SJR11 (3/24/03)
Executive Action: SB 348 - Be Concurred in as Amended

EXECUTIVE ACTION ON SB 348

{Tape: 1; Side: A; Approx. Time Counter: 5 - 80}

Motion: REP. MORGAN moved that SB 348 BE CONCURRED IN.

Motion: REP. NOENNIG moved that SB 348 BE AMENDED.

EXHIBIT (huh64a01)

Discussion:

REP. NOENNIG explained the amendments.

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. NOENNIG moved that SB 348 BE CONCURRED IN AS AMENDED. Motion carried 12-1 with REP. STOKER voting no. Proxies for REPS. JENT, GALLUS, AND FACEY were voted by VICE CHAIR BECKER.

REP. BECKER will carry this bill on the House floor.

HEARING ON SB 449

Sponsor: REP. MIKE COONEY, HD 26, Helena

Opening Statement by Sponsor:

REP. COONEY said this act revised the Fetal, Infant, and Child Mortality Prevention Act, which allows counties and tribal governments to cooperate to allow teams to review all fetal, infant, and child deaths. It revises confidentiality and disclosure provisions related to fetal, infant, and child mortality review teams.

{Tape: 1; Side: A; Approx. Time Counter: 80 - 98}

Proponents' Testimony:

Joanne Dodson, Bureau Chief, Family & Community Health Bureau, Department of Public Health & Human Services, presented written testimony regarding the Fetal Infant Child Mortality Review Prevention Act, a letter from Carol Keaster, R.N., Director of Nursing, Cascade City County Health Department, a letter from Kathy Helmuth, R.N., MCH Clinical Director, Roosevelt County Health Department, a letter from Barb Plouff, R.N., CSKT Tribal

Health, Lake County/Flathead Reservation Team and a letter from Linda Davis, R.N., Health Services Director, Lake County Health Department.

EXHIBIT (huh64a02)

{Tape: 1; Side: A; Approx. Time Counter: 98 - 185}

Mike Barrett, Helena resident, said he supports the bill.

{Tape: 1; Side: A; Approx. Time Counter: 185 - 197}

Gregg Trude, Executive Director, Montana Right To Life, said this is a good bill but this bill affects him personally. He told of the loss of his four-month-old baby boy.

{Tape: 1; Side: A; Approx. Time Counter: 197 - 202}

Steve Yeakel, Montana Council For Maternal & Child Health, said their counsel has been involved since the inception of this program. It is appropriate to learn why babies die. These programs have been effective.

{Tape: 1; Side: A; Approx. Time Counter: 202 - 212}

Jill DeClancy, Montana Eagle Forum, said they favor this bill.

{Tape: 1; Side: A; Approx. Time Counter: 212 - 216}

Sami Butler, Montana Nurse's Association, said fetal, infant and child mortality review teams gather this valuable information in Montana counties which has been used for a variety of prevention measures.

{Tape: 1; Side: A; Approx. Time Counter: 216 - 229}

Opponents' Testimony:

REP. JONATHON WINDY BOY, HD 92, Box Elder, said that he is an elected official and tribal leader. When he presented the drafted legislation in his home, they had very great concern about this legislation. After consulting with the elderly people of his tribe, the Tribal Council as a whole went on record to oppose this. This bill goes against their tribal practice and their cultural integrity. The term "learn why babies die," a term used in the bill, goes against their culture. He stated that human beings should leave it to the Creator; that it is up to Him to determine whether it will be a day or 80 years; and asked, "Who are we to question His rule of authority?" He then stated there were twenty-four laws in his tribe that they abide by. He questioned the people who are sponsoring this bill and why a department that builds roads should be dealing with this issue. His Tribe has not been in a position of support of this type of practice.

EXHIBIT (huh64a03)

{Tape: 1; Side: A; Approx. Time Counter: 229 - 358}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. HAWK asked **REP. WINDY BOY** to note the amendment which was put into this legislation regarding the exemption of the tribes.

REP. WINDY BOY said he stood in opposition to this before it was introduced on the floor. Based on his cultural beliefs he refused to be a part of this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 358 - 388}

REP. STOKER asked **Ms. Dodson** about the title of the bill. How early, relative to conception, does this begin to collect data.

Ms. Dodson said it is a data collection. The fact that the data is reviewed at the community level, does result in action at the community level. This data also does not exclude abortion.

{Tape: 1; Side: A; Approx. Time Counter: 388 - 424}

CHAIRMAN THOMAS said he was sensitive to Native Americans. **Ms. Dodson** said five tribes do already participate. Tribal government should be aware of what steps are being taken. The actions that are made by the medical providers, etc. allows for the communication and exchange of information between multi-county and tribal/county partnerships. They wish to continue to facilitate community review of deaths so they can identify how to prevent the deaths. **REP. THOMAS** asked if tribes could opt out. **Ms. Dodson** said that the Chippewa Cree Tribe had not participated.

{Tape: 1; Side: A; Approx. Time Counter: 424 - 518}

REP. WINDY BOY asked **Ms. Dodson** about SB 449 which provides information to be gathered on individuals without their knowledge or consent. He questioned the personal privacy and if this bill was a violation of rights. **Ms. Dodson** said this is a standard approach that is used nationwide for these reviews. There are no names involved in these reviews. **REP. WINDY BOY** then asked if this data is collected, how is the determination made, is there a questionnaire asking if a person is a tribal member. **Ms. Dodson** said that bill did pass. On the form it does question the ethnic background. **REP. WINDY BOY** then asked if this information will be used to gain federal and private funding. **Ms. Dodson** said communities could use the information to write for injury prevention grants to get resources to help to mitigate their own impacts. There is no funding at the state level.

{Tape: 1; Side: B; Approx. Time Counter: 1 - 95}

REP. HURWITZ asked **REP. WINDY BOY** if the women in his communities were afforded good prenatal care. **REP. WINDY BOY** said they were. **REP. HURWITZ** then asked Ms. Dodson for the definition of the term "infant." **Ms. Dodson** said zero to one year is the standard federal description of infant. Two through eighteen is considered to be "children." SIDS death is high in the incidents of preventable death. Vehicle trauma and nonintentional injury are the next most prominent deaths.

{Tape: 1; Side: B; Approx. Time Counter: 95 - 176}

REP. MORGAN asked **SEN. COONEY** if there was a fiscal note with this bill. **SEN. COONEY** said there was no fiscal note because there is no expense for this investigation. **REP. MORGAN** asked the reason for not having any expense with this. **SEN. COONEY** said the people who are involved with the review team are volunteers.

{Tape: 1; Side: B; Approx. Time Counter: 176 - 188}

Closing by Sponsor:

The Sponsor closed.

{Tape: 1; Side: B; Approx. Time Counter: 188 - 274}

REP. FRANKLIN will carry this bill on the House floor.

HEARING ON SJR 11

REP. HURWITZ will chair the Committee.

Sponsor: **SEN. TRUDI SCHMIDT, SD 21, Great Falls**

Opening Statement by Sponsor:

SEN. SCHMIDT said this joint resolution of the Senate and the House of Representatives of the State of Montana requests a study of the problems of alcohol, and drug abuse and of the prevention, early intervention and treatment.

{Tape: 1; Side: B; Approx. Time Counter: 274 - 325}

Proponents' Testimony:

Jean Branscum, Policy Advisor, Martz Administration, said this bill lets the Board of Crime Control get more involved in the discussion of substance abuse issues and the creation of a position to provide an essential point of coordination.

{Tape: 1; Side: B; Approx. Time Counter: 325 - 370}

Randy Gray, Mayor of Great Falls, said he has been on the City Commission for seven years. Meth is the single greatest social problem in every urban community in the State and every rural area in Montana. This problem of meth is only one part of a much larger problem, which is the problem of addictive behaviors. There are problems with legal and illegal drugs. There are also problems with gambling addiction. All of these composite problems are addressed in this bill. He stated the current approach is not working to treat these citizens. He also supplied testimony from John W. Larson, District Court Judge, Missoula.

EXHIBIT (huh64a04)

{Tape: 1; Side: B; Approx. Time Counter: 370 - Tape: 2, Side A; Approx. Time Counter: 149}

Dan Nauts, Medical Director, Benefis Addiction Medicine Service, Great Falls, said meth, more so than any other substance, is brought into treatment.

{Tape: 2; Side: A; Approx. Time Counter: 149 - 221}

Dan Donovan, Attorney at Law and Member, Meth Study Group, Great Falls, said he defends people accused of meth crimes. This problem has mushroomed over the past five years. This is a grave situation.

{Tape: 2; Side: A; Approx. Time Counter: 221 - 277}

Mary Fay, Work Group, Great Falls, said thirteen percent of the students in schools have used drugs. Montana is the second highest of meth users and the fourth in alcohol use.

{Tape: 2; Side: A; Approx. Time Counter: 277 - 330}

Ali Bovington, Assistant Attorney General, Department of Justice, said they support this legislation. The Attorney General is very interested in seeing that the work of the Joint Task Force continues. This is obviously a serious problem in the state.

{Tape: 2; Side: A; Approx. Time Counter: 330 - 346}

Joan Miles, Director, Lewis & Clark City/County Public Health Department, said the by-products of meth production are consistent with the problems the state has with meth production. Meth labs now are not only in peoples homes but they are in apartments, campgrounds and motel rooms.

{Tape: 2; Side: A; Approx. Time Counter: 346 - 402}

Don Hargrove, Montana Addiction Service Providers, said he has no doubt that this bill will pass. This bill is a priority.

{Tape: 2; Side: A; Approx. Time Counter: 402 - 512}

REP. JOHN PARKER, HD 45, Great Falls, said he is a Deputy County Attorney and has prosecuted meth lab cases and other meth-related cases. He said that many members of the committee have heard extensive testimony on this matter. This resolution helps answer the question regarding the treatment. The law enforcement has done its part by passing HB 402. Now there is the opportunity to address the other question of what to do on the treatment side.

{Tape: 2; Side: B; Approx. Time Counter: 1 - 16}

Kristi Blazer, Rimrock Foundation and Montana Beer & Wine Wholesalers Association, said the latter collects the taxes that end up paying for the chemical dependency treatment. One of the members of the task force was a wholesaler from the eastern part of Montana. Rimrock followed the progress of that task force. They did some very important work that needs to be continued and would be continued through this interim committee. The members of the industry involved in selling the legal products, should also be included as far as those entities of the interim committee.

{Tape: 2; Side: B; Approx. Time Counter: 16 - 41}

REP. JONATHON WINDY BOY, HD 92, Box Elder, said he was strongly in support of this legislation. He said he had just completed his 22nd year of sobriety and also being a reformed alcoholic, a reformed abuser and reformed drug dealer. This is something he is not proud of. He also stated in his early years, he had a twin brother who was killed in 1979 from driving while he was under the influence.

{Tape: 2; Side: B; Approx. Time Counter: 41 - 63}

Opponents' Testimony: None

Informational Testimony:

Mike Barrett, Helena resident, said he was available for questions from the Committee.

Questions from Committee Members and Responses:

REP. ROBERTS asked if most of the patients under care for a meth problem were required to be in-patients to get successful results. **Dr. Nauts** said they generally restrict admissions to those individuals who are considered dangerous to themselves or others.

{Tape: 2; Side: B; Approx. Time Counter: 63 - 126}

REP. FACEY asked Ms. Branscum how often the Governor's office met regarding this matter. **Ms. Branscum** said they met once a month.

{Tape: 2; Side: B; Approx. Time Counter: 126 - 180}

REP. STOKER asked Mayor Gray if he had produced a power point presentation that he might personally distribute in the school system, challenging the students to not travel down some of these roads. **Mayor Gray** stated he had not gone to the schools, but that education is a relatively inexpensive tool to use.

{Tape: 2; Side: B; Approx. Time Counter: 180 - 247}

REP. BECKER asked Ms. Branscum about a drug czar. **Ms. Branscum** said from the task force prospective, it creates an awareness across the state and selects a person who can bring together the programs that are already out there.

{Tape: 2; Side: B; Approx. Time Counter: 247 - 277}

REP. WINDY BOY commented on the concept of knowing there is a problem and if there is any way to address the issue. That is what needs to happen.

{Tape: 2; Side: B; Approx. Time Counter: 277 - 287}

REP. HURWITZ said the committee was mainly talking about juveniles. No one has said a word about parents. He asked whether there were any parents who can be a part of this treatment. He suggested that perhaps those are the people who could help come up with some of the money for this treatment.

Mayor Gray said that should be analyzed as part of the cost factor. There will certainly be expenditures involved here.

{Tape: 2; Side: B; Approx. Time Counter: 287 - 333}

Closing by Sponsor:

The Sponsor closed.

{Tape: 2; Side: B; Approx. Time Counter: 333 - 364}

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh64aad)